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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/758,880      | 01/10/2001  | Srihari Kumar        | P3976               | 9761             |

24739 7590 06/21/2005

CENTRAL COAST PATENT AGENCY  
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AROMAS, CA 95004

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| EXAMINER |
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PATEL, JAGDISH

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| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/758,880

Applicant(s)

KUMAR ET AL.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is in response to amendment filed 3/17/2005.

***Response to Amendment***

2. Claims 23 and 33 have been amended per request. Claims 23-42 are currently pending.

***Response to Arguments***

3. Applicant's arguments filed 3/17/2005 have been fully considered but they are not persuasive.

The claimed invention of amended claims 23 and 33 recites a mechanism that allows an individual such as a participant of an investment plan to access the financial data pertaining to the investment plan via "one or more coded procedures" which manipulates the financial data and generates result therefrom and presents the result to the individual.

The applicant merely suggests that Grant patent is not capable of achieving the expected result of the applicant's invention without providing persuasive arguments. The applicant asserts that Grant does not disclose an input mechanism that

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would enable a specific person to enter "configuration information for a specific analysis and to select a form of analysis or specific cumulative result". However, as shown in exemplary Figure 3 shows main menu and customer menu which reflects an input mechanism (a menu) through which the customer enters the configuration information (i.e. information relevant to menu selections). Since the claimed invention is silent about specifics about "input mechanism" and "configuration information for specific analysis of the financial data" Figure 3 and additionally Figure 5 separately or in combination reads on the access mechanism and the input mechanism recited in claim 23 (and therefore corresponding method steps of claim 33).

In response to the applicant's argument that Grant fails to teach an input mechanism to enter configuration information for a specific analysis of financial data and to select a form of analysis of the financial data, please note that the specific calculative result is interpreted as the result (current or planned level of retirement security) as determined by the codes or program inherent to the Retirement planner 510 which are processed by CPU 200 (see col. 15-16 discussion of Main Menu).

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is

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noted that the features upon which applicant relies (i.e., those features of Figures 30-32 of the specification and described by the applicant on pages 7-9) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Base on the foregoing analysis it is asserted that the applicant's argument are not persuasive and rejection of the pending claims over Grant patent is maintained.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 23-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Grant et al. (US 5,878,505).

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Per claim 23 Grant discloses a financial planning system responsive to a specific person or organization, (abstract) comprising:

access mechanism to one or more data repositories comprising financial data particular to the specific person or organization;

(Refer to Fig. 2 access mechanism to financial data repositories (memory records 440) are indicated as blocks 210-320).

an input mechanism adapted to enable the specific person or a representative of the organization for a specific analysis of the financial data, and to select a form of analysis or specific calculative result;

(Refer to Fig. 2 interface device 270 and blocks 220-250 in association with modems)

one or more coded procedures formulated to manipulate the financial data, generating results of the manipulation; and

(refer to Fig. 2 blocks 330 and 340 which represent coded procedures (software) to manipulate the financial data of the participant)

an output mechanism to present results to the person or representative;

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(refer to Fig. 2 blocks 270 and 430, also see col. 14 L 34-40, display the effect of retirement based borrowing on retirement security at output and reporting block)

characterized in that the system, in response to input of the configuration information, analyzes the data and presents the result via the output mechanism.

(refer to description under "System Monitor" at col. 13+ L 50 - col. 16 L 42)

Claim 24. The system of claim 23 implemented on a network-connected server.

(col. 13 L 50- col. 14 L 22, the system monitor, the CLMS, is controlled by a central processing unit (CPU) 200, having stored program commands and instructions governing it's processing responsibilities. a preferred embodiment utilizes modem devices connected to the internet with data encrypted for security, utilizing encryption techniques the same or similar to the SET standard recently adopted by Visa and MasterCard for credit card transactions.)

Claim 25. The system of claim 24, wherein the network is the Internet network.

(see claim 24 analysis)

Claim 26. wherein access to the Internet is through an internet appliance.

(see interface device 270 in Fig. 2, see also col. 14 L 23-33)

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Claim 27. wherein the Internet appliance is one of a personal computer, a cellular telephone, or a personal digital assistant.

(see interface device 270 in Fig. 2, see also col. 14 L 23-33)

Claims 28 and 29. wherein the input mechanism comprises a pre-configured electronic form.

(see col. 15 L 45+ "Main Menu")

Claim 30. wherein the output mechanism comprises a display of one or more of text results, table results and graphical results.

(See blocks showing display e.g. Fig. 6 block 2120, Fig. 7 block 2210 etc.)

Claim 31. wherein a configured specific analysis includes options for output.

(see blocks 2275, 2277 in Figure 6D, see col. 19 L 48-62)

Claim 32. wherein the results are presented as advice to the person or representative..



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(see col. 34 claim 35 ..a retirement security optimization means outputting to each participant a plurality of recommended pension account contribution rates determined by computer means, whereby the participant has information to monitor and control retirement security.)

7. All limitations of method claims 33-42 have been analyzed as per respective system claims 23-32 where respective system elements perform the functionality of method steps recited in the method claims.

Accordingly claims 23-42 are also rejected under 35 U.S.C. 102(b) as being anticipated by the Grant patent.

#### **Conclusion**

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

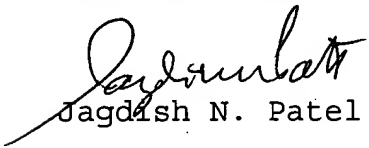
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571)272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

6/16/05